

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMIE BROCK GRUBB,

Defendant.

CR 9-30-BU-DWM

AMENDED FINDINGS &  
RECOMMENDATION

Before the Court is an amended petition alleging Defendant Jamie Grubb violated the conditions of his supervised release. By Order entered September 19, 2017, United States District Judge Donald W. Molloy referred this matter to me to conduct a revocation hearing, and submit proposed findings and recommendations as to revocation and a recommended disposition. The Court conducted the hearing on October 10, 2017.

The amended petition alleges that Grubb committed 11 violations of his conditions of release. The amended petition alleges the following violations: (1) Grubb had a Facebook account during his term of supervision without the permission of the probation office; (2) on July 19, 2017, Grubb was found to be in possession of a Galaxy S7 cellular phone with internet capabilities, which was a

device not approved by the probation office; (3) a search of Grubb's vehicle revealed four smart phone devices with internet and covert photography capability; (4) Grubb had been in the company of a child under the age of 18 without prior written approval of the probation office; (5) on July 19, 2017, Grubb admitted to viewing pornography twice per month on his Galaxy S7 smart phone; (6) on July 19, 2017, Grubb admitted to possessing explicit photos of his current girlfriend on the Galaxy S7 smart phone; (7) and (8) Grubb used the snap chat accounts JBGBozeman and Shae 1537, which were available on the devices in his possession, to post and receive explicit images of himself and others; (9) Grubb knowingly possessed a Nintendo Wii game system and a Mad Cats memory card, and the device had internet capability and was not approved by the probation office; (10) during a search of Grubb's residence, the probation office discovered a wireless internet connection device in Grubb's bedroom nightstand, and the device could be used to access on-line computer services; and (11) Grubb was terminated from group sex offender treatment with an unsuccessful discharge for violating treatment group rules: viewing pornography, having unsupervised contact with a person under the age of 18 and sending nude photos of himself and others via an unapproved device.

Based upon a preponderance of the presented at the revocation hearing, the Court finds that Grubb violated the conditions of his release in the manner set

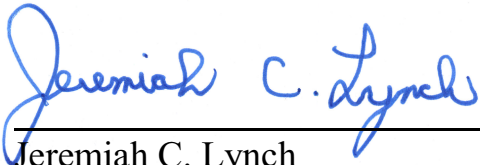
forth in violation numbers (1), (2), (3), (7), (8) and (10) of the amended petition.

The government did not, however, sustain its burden in establishing the remaining alleged violations.

Having considered the record in this case, and the information and arguments presented at the hearing, IT IS RECOMMENDED that Grubb's supervised release be REVOKED. The recommended disposition is that Grubb be: (1) sentenced to custody for a period of 3 months with credit for time served; and (2) placed on supervised release upon release from custody for a term of 80 months, subject to the same conditions previously imposed on his supervised release – as modified to be consistent with current decisional law.

Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to these Findings and Recommendations on or before October 17, 2017. The District Judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made, and may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the District Judge, and may waive the right to appear and allocute before the District Judge.

DATED this 12<sup>th</sup> day of October, 2017.

  
Jeremiah C. Lynch  
United States Magistrate Judge